IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20102 of 1994

Between:

K. Vijaya Vardhan Rao, S/o K.Seshagiri Rao,

Hindu, aged about 36 years, H.No.23-5-610,

Laldarwaja, Hyderabad, now at Q.No.240/A,

Vanastalipuram, R.R. District, Hyderabad.

... PETITIONER

AND

1. The Land Acquisition Officer/Mandal Revenue Officer, Kothur Mandal, Kothur,

Mahaboobnagar District.

2. The District Collector,

Mahaboobnagar District, Mahaboobnagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be

pleased, in the interest of justice, to issue a writ in the nature of Mandamus or any other appropriate writ or order or direction, declaring the notification dated 3-3-1992 in proceeding No.LA2/102/92 and Notification dated 4-3-1992 issued in proceeding No.LA2/102/92 by the second respondent under Secs.4&6 of the Land Acquisition Act, as being illegal, arbitrary, unjust and improper and not a bonafide one apart from violative of the provisions of Sec.4, 5(A), 9, 10 & 11 of the said Land Acquisition Act as there was no notice to the petitioner and no enquiry was conducted with respect to the petitioner's land covered by Sy.No.2 an extent of Ac.4-00 situated at Pinjerla Village, Kothur Mandal, Mahaboobnagar District, and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.E.S.RAMACHANDRA MURTHY

Counsel for the Respondents: G.P. FOR SOCIAL WELFARE

The Court made the following:

ORDER:

Notification issued under Section 4(1) of the Land Acquisition Act (for short 'the Act') has been challenged by the petitioner stating that he entered into an agreement of sale on
25-01-1980 and took possession of the property.

2. The respondent-Land Acquisition Officer filed counter stating that since the petitioner is neither the Pattedar nor the possessor of the lands under acquisition, there was no occasion to issue notification under Section 4(1) of the Act incorporating his name. After issuing necessary notifications under Sections 9(1) and 10 of the Act and by publishing the same in the village, award enquiry was conducted on 21-03-1992 in which an award was passed on 23-03-1992 and the compensation amount was deposited in the Court under Section 30 of the Act for apportioning the same among the claimants. After passing such an award, the land was taken possession by the Government on 02-04-1992 and the same has been divided into houses and plots and distributed among the beneficiaries and possession was handed over to the beneficiaries on 06-05-1992.

3. In view of completion of the Land Acquisition proceedings, petitioner if had any right to receive the compensation, he can get himself impleaded in the reference under Section 30 of the Act,

which is said to have been referred to the Court and claim compensation in place of the owners from whom he purchased the said land and can workout his remedies for recovery of the amount paid under the agreement of sale.

The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

September 13, 2004

MRR

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

TO:

1. The Land Acquisition Officer/Mandal Revenue

Officer, Kothur Mandal, Kothur,

Mahaboobnagar District.

2. The District Collector,

Mahaboobnagar District, Mahaboobnagar.

3. Two C.C.s to the G.P for Social Welfare, High Court

Buildings, Hyderabad (OUT).

4. Two C.D. Copies.